

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID KISSI

*

Plaintiff

*

v.

*

CHRISTOPHER MEAD; ESTATE FOR
FRED W. BENNETT; BENNETT & BAIR;
GARY BAIR; MICHAEL RAY
PEARSON; RONALD SCHWARTZ;
BENJAMIN CIVILETTI; VENABLE, LLP;
MICHAEL SCHATZOW; MICHAEL
HECHT; MARIA ELLENA CHAVEZ
RUARK; DLA PIPER; RICHARD E.
GREENBERG,

* Civil Court Action No.:

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Defendants

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NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441 *et seq.*, Defendants Maria Ellena Chavez Ruark, Esquire and DLA Piper US LLP (incorrectly named in the Complaint as "DLA Piper") (hereinafter the "Piper Defendants"),¹ by their undersigned counsel, hereby notice the removal of this action to the United States District Court for the District of Columbia. As grounds for removal, the Piper Defendants state:

1. Plaintiff David Kissi (hereinafter "Plaintiff" or "Kissi") commenced this action on September 26, 2008 by filing a Complaint in the Superior Court of the District of Columbia (Civil Division). Plaintiff's Complaint was assigned Case No. 08-0007001

¹ By filing this Notice of Removal, the Piper Defendants do not waive any arguments regarding improper service.

(hereinafter the "State Court Action"). The Complaint alleges causes of action arising under 18 U.S.C. §§ 1951, 1957 and 18 U.S.C. §§ 242, 245 (b) (E) and seeks \$10,000,000.00 for recovery of legal fees and damages for emotional distress.

2. The State Court Action is the third (known) attempt by Plaintiff to sue DLA Piper US LLP (and its attorneys) for its role in the bankruptcy proceeding for Plaintiff's business, DK&R Company ("DK&R"). Plaintiff's first two lawsuits have been dismissed. Based on the number of frivolous lawsuits that had been filed by Plaintiff, on October 25, 2004, the United States District Court for the District of Maryland permanently enjoined and restrained Kissi from maintaining any legal action against any individual or entity that was connected with the DK&R bankruptcy and/or related litigation. This includes the Piper Defendants.

3. The Piper Defendants were served with the Complaint on November 5, 2008. No answers have been filed in the State Court Action.

4. Pursuant to 28 U.S.C. § 1441 (a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for this district and division embracing the place where such action is pending."

5. This Court has original jurisdiction of this matter pursuant to 28 U.S.C. § 1331 as Plaintiff has alleged causes of action arising under 18 U.S.C. §§ 242, 245(b)(E), 1951 and 1957.

6. The United States District Court for the District of Columbia encompasses the Superior Court of the District of Columbia, wherein the claim has been filed.

7. This Notice of Removal is being filed within 30 days after Defendants received a copy of Plaintiff's Complaint and is, therefore, timely filed pursuant to 28 U.S.C. § 1446 (b).

8. All other defendants to this action who have been served independently and unambiguously consent to and join in this Notice of Removal, as evidenced by their their Consents to Removal attached hereto as **Exhibits 1-4**.

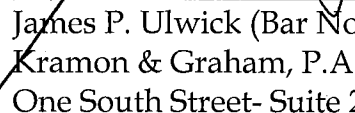
9. Pursuant to 28 U.S.C. § 1446 (a), true and legible copies of all papers in this case on file with the Superior Court of the District of Columbia as of this date are attached hereto as **Exhibit 5**.²

10. A Notice of Filing of Notice of Removal, attaching a copy of this Notice of Removal, is being filed on this date with the Clerk of the Superior Court of the District of Columbia and served on Plaintiff as required by 28 U.S.C. § 1446 (d). A copy (without attachments) of the Notice of Filing of Notice of Removal filed in the State Court Action is attached hereto as **Exhibit 6**.

WHEREFORE, the Piper Defendants respectfully request that this Notice of Removal be accepted and that the State Court Action be removed to the United States District Court for the District of Columbia.

² Undersigned counsel contacted the Clerk of the Civil Division for the Superior Court of the District of Columbia. The docket reflects that Plaintiff David Kissi filed a Motion to Proceed in Forma Pauperis, which was granted by Judge Mencher on September 26, 2008. Those documents are missing from the Court's case file and therefore are not attached to this Notice.

Respectfully submitted,



James P. Ulwick (Bar No. 287763)
Kramon & Graham, P.A.
One South Street- Suite 2600
Baltimore, Maryland 21202-3201
(410) 752-6030

Attorneys for Defendants,
MARIA ELLENA CHAVEZ
RUARK AND DLA PIPER US LLP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of November, 2008, a copy of the foregoing Notice of Removal was sent via first-class mail, postage-prepaid, to:

David M. Kissi, Federal Inmate
No. 38348-037
FCI ELKTON
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 10
LISBON, OH 44432
Plaintiff

Christopher Mead
London & Mead
1225 19th St., NW
Washington, DC 20036
Defendant

Bruce L. Marcus, Esquire
Joseph A. Compofelice, Jr., Esquire
Marcus Bonsib
6411 Ivy Lane, Suite 116
Greenbelt, Maryland 20770
*Counsel for Defendants,
Gary Bair, Esquire, Michael Ray
Pearson, Esquire and Bair & Bennett*

Estate for Fred W. Bennett
6301 Ivy Lane
Ste. 418
Greenbelt, MD 20770
Defendant

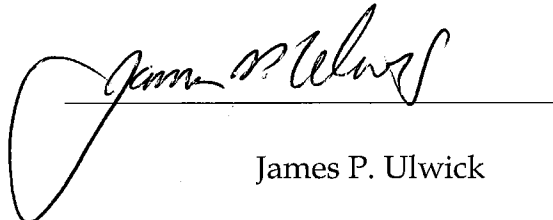
G. Stewart Webb
Venable LLP
750 E. Pratt Street, Suite 900
Baltimore, Maryland 21202

David W. Goewey
Venable LLP
575 7th Street, NW
Washington, DC 20004
*Counsel for Defendants,
Venable LLP, Benjamin Civiletti, Esquire, Michael
Schatzow, Esquire, and Michael Hecht, Esquire*

Aaron L. Handleman
Justin M. Flint
Eccleston & Wolf, P.C.
2001 S Street, N.W., Suite #310
Washington, D.C., 20009-1125
*Counsel for Defendant,
Ronald L. Schwartz, Esquire*

AND

Richard E. Greenberg
Friedlander Misler
1101 17th St., NW
Ste. 700
Washington, DC 20036
Defendant



James P. Ulwick